

1
2
3 AMEND THE DISTRICT ZONING MAP OF THE WAUKESHA COUNTY SHORELAND AND
4 FLOODLAND PROTECTION ORDINANCE AND THE WAUKESHA COUNTY ZONING
5 CODE, FOR THE TOWN OF OCONOMOWOC BY CONDITIONALLY REZONING CERTAIN
6 LANDS LOCATED IN PART OF THE SW ¼ AND SE ¼ OF THE SE ¼ OF SECTION 24, T8N,
7 R17E, TOWN OF OCONOMOWOC, WAUKESHA COUNTY, WISCONSIN, FROM THE A-5
8 MINI-FARM DISTRICT TO THE R-1 RESIDENTIAL DISTRICT (SCZ-1469)
9

10
11 WHEREAS the subject matter of this Ordinance having been duly referred to and considered by the
12 Waukesha County Park and Planning Commission, after Public Hearing, and the giving of requisite
13 notice of said hearing, and a recommendation for approval thereon reported to the Land Use, Parks
14 and Environmental Committee, and the Waukesha County Board of Supervisors, Waukesha
15 County, Wisconsin, as required by Section 59.69 of the Wisconsin State Statutes.
16

17 THE COUNTY BOARD OF SUPERVISORS OF THE COUNTY OF WAUKESHA DOES
18 ORDAIN that the Waukesha County Shoreland and Floodland Protection Ordinance adopted on
19 June 23, 1970, and the Waukesha County Zoning Code adopted on February 26, 1959, for the Town
20 of Oconomowoc, Waukesha County, Wisconsin, are hereby amended to conditionally rezone
21 certain lands located in part of the SW ¼ and SE ¼ of the SE ¼ of Section 24, T8N, R17E, Town of
22 Oconomowoc, Waukesha County, Wisconsin, from the A-5 Mini-Farm District to the R-1
23 Residential District, and more specifically described in the "Staff Report and Recommendation" and
24 map on file in the office of the Waukesha County Department of Parks and Land Use, and made a
25 part of this Ordinance by reference (SCZ-1469), subject to the following conditions:
26

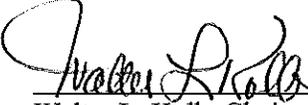
- 27 1. The development is limited to a maximum of six (6) single-family lots with pre-
28 planned onsite waste disposal systems.
29
30 2. The proposed septic system site for each parcel shall be protected from any grading,
31 compaction or construction activities until the septic systems are installed. No
32 holding tanks will be allowed as the primary systems for the disposal of wastes.
33
34 3. Waukesha County Department of Parks and Land Use, Land Resources Division,
35 shall approve the Final Stormwater Management Plans and the Town Engineer shall
36 approve the Final Grading Plans to insure no adverse drainage affecting neighboring
37 properties as a result of the proposed development. Any and all conditions of the
38 Waukesha County Department of Parks and Land Use and/or the Town Engineer
39 shall be complied with, prior to the (final) approval of any land divisions.
40
41 4. Basements shall be limited to eleven courses or an eight (8) foot poured wall, unless
42 higher ones are approved by the Town and County.
43
44 5. A Comprehensive Grading Plan shall be prepared, showing building envelopes in
45 which grading for a residence shall be limited to said envelopes. Further, the
46 Waukesha County Department of Parks and Land Use shall approve the Plan.
47

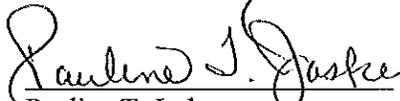
48 BE IT FURTHER ORDAINED that the Waukesha County Clerk shall file a certified copy of this
49 Ordinance with the Town Clerk of Oconomowoc.

50
51 BE IT FURTHER ORDAINED that this Ordinance shall be in full force and effect upon passage,
52 approval and publication and, in compliance with Section 20.02 (9) (B) of the Waukesha County
53 Code, the earlier of the following occurrences: 40 days after the date of adoption or upon receipt of
54 a resolution by the Town of Oconomowoc approving of the zoning change enacted by this
55 Ordinance.
56
57 BE IT FURTHER ORDAINED that this Ordinance shall be in full force and effect upon passage,
58 approval and publication.
59
60 BE IT FURTHER ORDAINED that all Ordinances inconsistent with or in contravention of the
61 provisions of this Ordinance are hereby repealed.

AMEND THE DISTRICT ZONING MAP OF THE WAUKESHA COUNTY SHORELAND AND FLOODLAND PROTECTION ORDINANCE AND THE WAUKESHA COUNTY ZONING CODE, FOR THE TOWN OF OCONOMOWOC BY CONDITIONALLY REZONING CERTAIN LANDS LOCATED IN PART OF THE SW ¼ AND SE ¼ OF THE SE ¼ OF SECTION 24, T8N, R17E, TOWN OF OCONOMOWOC, WAUKESHA COUNTY, WISCONSIN, FROM THE A-5 MINI-FARM DISTRICT TO THE R-1 RESIDENTIAL DISTRICT (SCZ-1469)

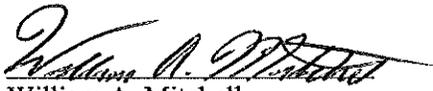
Presented by:
Land Use, Parks, and Environment Committee

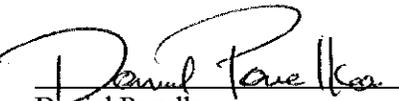

Walter L. Kolb, Chair

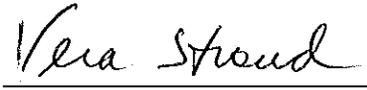

Pauline T. Jaske

Absent
James Jeskewitz

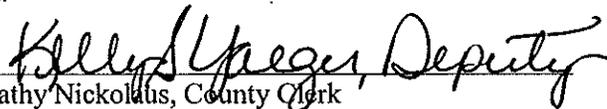

Scott J. Klein


William A. Mitchell

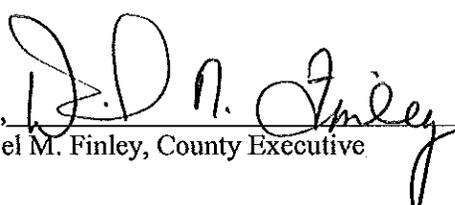

Daniel Pavelko


Vera Stroud

The foregoing legislation adopted by the County Board of Supervisors of Waukesha County, Wisconsin, was presented to the County Executive on:

Date: July 25, 2003, 
Kathy Nickolaus, County Clerk

The foregoing legislation adopted by the County Board of Supervisors of Waukesha County, Wisconsin, is hereby:

Approved:
Vetoed:
Date: 7-29-03, 
Daniel M. Finley, County Executive

COMMISSION ACTION

The Waukesha County Park and Planning Commission after giving consideration to the subject matter of the Ordinance to amend the Waukesha County Shoreland and Floodland Protection Ordinance and the Waukesha County Zoning Code, hereby recommends approval of SCZ-1469 (Reed and Patricia Horwath) in accordance with the attached "Staff Report and Recommendation."

PARK AND PLANNING COMMISSION

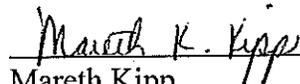
June 5, 2003



Betty Willert, Chairperson



Vy Janusonjs



Mareth Kipp



Ellen Gennrich



Walter Kolb



Joseph LaPorte

Absent

Walter Baade

WAUKESHA COUNTY DEPARTMENT OF PARKS AND LAND USE
STAFF REPORT AND RECOMMENDATION
ZONING MAP AMENDMENT

DATE: June 5, 2003

FILE NO.: SCZ-1469

PETITIONER: Jerry Erdmann
1833 Executive Drive, Suite 101
Oconomowoc, WI 53066

OWNER: Reed and Patricia Horwath
N64 W34030 Bayview Road
Oconomowoc, WI 53066

TAX KEY NO.: OCOT 0528.974.006

LOCATION:

The property is part of the SW ¼ and SE ¼ of the SE ¼ of Section 24, T8N, R17E, Town of Oconomowoc, and more specifically, north of Bayview Road and west of Breezy Point Road containing approximately 16.4 acres.

PRESENT ZONING:

A-5 Mini Farm District and C-1 Conservancy District (No change proposed).

PROPOSED ZONING:

R-1 Residential District.

PRESENT LAND USE:

Agriculture and wetland.

PROPOSED LAND USE:

Single-family residential lots.

PUBLIC HEARING DATE:

January 16, 2003.

PUBLIC REACTION:

Several neighbors expressed concerns regarding existing drainage problems on adjacent properties and whether development of this property would exasperate the problem. In addition, the neighbors indicated the existing property did not drain well east of the existing wetland and had standing water at times of the year on both the property and flowing over onto Breezy Point Road. Other concerns raised were the dividing of the wetlands between property owners and how residences would access the lots since no roads were being proposed.

158-0-031

4.

TOWN PLAN COMMISSION ACTION:

The Town of Oconomowoc Plan Commission, at their meeting on May 5, 2003, voted to conditionally approve the rezoning request subject to the following conditions:

1. Subject to the development being limited to a maximum of six (6) single-family lots with preplanned onsite waste disposal systems.
2. Subject to the proposed septic site being protected from any grading, compaction or construction activities until the septic systems are installed. No holding tanks will be allowed as the primary systems for the disposal of wastes.
3. Waukesha County Department of Parks and Land Use, Land Resources Division, shall approve the Final Stormwater Management Plans and the Town Engineer shall approve the Final Grading Plans to insure no adverse drainage affecting onto neighboring properties from the proposed development. Any and all conditions of the Waukesha County Department of Parks and Land Use and/or the Town Engineer shall be complied with, prior to the (final) approval of any land divisions.
4. The areas zoned C-1 Conservancy District shall remain in that category.
5. Basements shall be limited to eleven courses or an eight (8) foot poured wall, unless approved by the Town and County.

TOWN BOARD ACTION:

The Town of Oconomowoc Board, at their meeting on May 19, 2003, voted unanimously to approve the rezoning request subject to satisfaction of the five (5) conditions recommended by the Plan Commission, with an additional condition requiring the preparation of a Comprehensive Grading Plan, showing building envelopes in which grading for a residence shall be limited to said envelopes. In addition, the Waukesha County Department of Parks and Land Use shall approve the Plan.

COMPLIANCE WITH THE TOWN OF OCONOMOWOC LAND USE PLAN AND THE WAUKESHA COUNTY DEVELOPMENT PLAN:

The Town of Oconomowoc Master Land Use Plan designates this area in the Low Density Residential category consisting of single-family detached dwelling units of .67 to 2.1 dwelling units per acre, which represents lot sizes ranging from 20,000 sq. ft. to 1.5 acres. The Waukesha County Development Plan designates the property in the Low Density Urban Residential category, allowing residential development at 20,000 sq. ft. to 1.4 acres of lot area per dwelling unit, and Isolated Natural Area in the center of the property where a wetland exists. Since the Isolated Natural Area will not be disturbed with the residential development of the property, the proposal complies with both the Town and County Land Use Plans.

OTHER CONSIDERATIONS:

The petitioner is proposing to rezone approximately 11.5 acres of land from the A-5 Mini-Farm District, requiring five (5) acre minimum lot sizes to the R-1 Residential District, requiring one (1) acre minimum lot sizes. Neighboring properties to the north, east and south are zoned R-1 Residential District, with neighboring lands to the west recently being conditionally rezoned to the R-3 Residential District, conditioned upon lots being no less than 25,000 sq. ft. in size and an overall density of slightly one unit per acre. The property in question contains approximately 16.5 acres of land with approximately five (5) acres of wetlands located in the center of the property. The wetlands were delineated by Keir Peckham of Natural

Landscapes, Inc., which have been reviewed and approved by the Wisconsin Department of Natural Resources. No conservancy areas are being rezoned and will remain in a C-1 Conservancy Zoning District classification.

The petitioner is proposing to divide the property into six (6) residential lots, ranging in size from 1.17 acres to 4.46 acres. Although a number of the proposed lots could directly access Breezy Point Road and Bay View Road, the petitioner is proposing two (2) separate shared driveways to access five (5) lots to limit the number of access points along the aforementioned roads. The property contains several soil classifications including, Fox (FsB), Casco (CeC2), Mayville (MoB), Pistakee (PrA) and Brookston (BsA). The Fox, Casco and Mayville soils are generally well-drained soils and the Pistakee and Brookston soils are poorly drained. According to the soils tests, the soils on the subject property are not suitable for conventional systems and two (2) of the lots will be serviced with A+4 septic systems, which is a newly approved septic system which requires 4 inches of suitable soil below the "A" Horizon (typically the topsoil layer). This is a good indicator that the ground water is at or near the surface of the ground. Given this scenario, the petitioner has indicated that numerous loads of fill will need to be brought onto the site to raise the building sites to clear the groundwater for the basements. The Waukesha County Shoreland and Floodland Protection Ordinance does not allow the construction of basements into the seasonal high groundwater table. Given the severe water table on this property, basements will need to be installed at or near the existing surface grade and then fill will need to be placed around the basement walls. The petitioner indicated he is proposing to partially expose the basement walls, with possibly more of a traditionally styled home with a raised front porch. The petitioner presented a cross-section of the property showing filling of the property and how residences would be placed, which indicate the bottom of the footings at an elevation of 882.25 (msl) and a finished yard grade of 887.5 (msl). This would result in four (4) feet of exposure if the basement walls were eight (8) feet high. Based on soil tests submitted, the proposed basement elevation would meet the standards of the Waukesha County Shoreland and Floodland Protection Ordinance. The petitioner has submitted detailed Grading and Stormwater Plans to the Town of Oconomowoc Engineer and Waukesha County, which have been reviewed by both (Exhibit "A" and "B"). It appears that with minor revisions, both agencies will be able to approve the plan.

STAFF RECOMMENDATION:

It is the opinion of the Planning and Zoning Division Staff that this request be **approved** in accordance with the Town of Oconomowoc Plan Commission and Town Board action, which included the following conditions:

1. Subject to the development being limited to a maximum of six (6) single-family lots with pre-planned onsite waste disposal systems.
2. Subject to the proposed septic site on each lot being protected from any grading, compaction or construction activities until the septic systems are installed. No holding tanks will be allowed as the primary systems for the disposal of wastes.
3. Waukesha County Department of Parks and Land Use, Land Resources Division, shall approve the Final Stormwater Management Plans and the Town Engineer shall approve the Final Grading Plans to insure no adverse drainage affecting neighboring properties as a result of the proposed development. Any and all conditions of the Waukesha County Department of Parks and Land Use and/or the Town Engineer shall be complied with, prior to the (final) approval of any land divisions.

158-0-031

6.

4. Basements shall be limited to eleven courses or an eight (8) foot poured wall, unless higher ones are approved by the Town and County.
5. A Comprehensive Grading Plan shall be prepared, showing building envelopes in which grading for a residence shall be limited to said envelopes. Further, the Waukesha County Department of Parks and Land Use shall approve the Plan.

It is felt, as conditioned, the development of the property will allow for the preservation of conservancy lands while allowing a low density, infill development. The approval of Stormwater Management Plans by both the Town and County will ensure that neighboring properties and future residents of the area will not be adversely affected by inadequate drainage or seasonal saturated soils, which meets the intent of the Town of Oconomowoc Master Land Use Plan and the Waukesha County Development Plan.

Respectfully submitted,



Brian Depies
Senior Land Use Specialist

BPD:kab

Attachments: Map
Exhibit "A" & "B"

N:\PLU FILES\PLANNING & ZONING\REZONES (RZ)\STAFF REPORTS\1469 (REED & PATRICIA HORWATH)_OCT.DOC

158-0-031

7.

EXHIBIT "A"

March 31, 2003

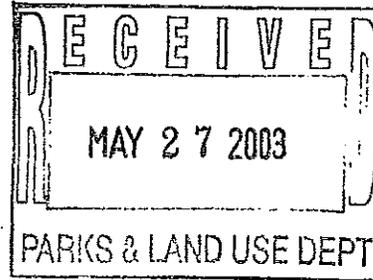
Ms. Christine Lemley, Town Clerk
Town of Oconomowoc
W359 N6812 Brown Street
Oconomowoc, WI 53066

Re: Project No. 13052.041
Bay View Conservancy

Dear Ms. Lemley,

I have reviewed the Master Grading Plan for Bay View Conservancy (dated March 2003), as prepared by Mr. Rob Davy of Lake Country Engineering, for Jerry Erdmann of Frontier Development. It should be noted that this review does not include stormwater design or calculations. This will be done by the Waukesha County Dept. of Parks and Land Use. I offer the following comments:

- 1) A driveway easement should be noted on Lot 3 for Lots 1 and 2. Culverts should also be sized and shown for the proposed driveway. The Town should dictate who is responsible for this driveway installation.
- 2) A stormwater easement should be added to the plan to the high water mark of the kettle. It is my recommendation, subject to approval of the stormwater calculations by the Waukesha County Dept. of Parks and Land Use, that this easement encompass the 882 contour.
- 3) An additional drainage easement should be added to Lot 3 to connect with the 20 ft. easement shown on Lot 2. The Lot 2 easement should be shown extending fully to its westerly lot line.
- 4) An additional drainage easement should be added to Lot 6 to protect the drainage from the culvert under Bayview Road, just west of Kathy Drive. In addition, the location of the building pad for Lot 6 will affect drainage that presently reaches the kettle from a culvert under Bayview Road just east of Kathy Drive. An additional easement and swale or improvements to the road right-of-way must be made to protect this drainage path.
- 5) A shared driveway is proposed for Lots 4 and 5. The plan calls for three, 21" x 15" cmpa's and a noted low point of 881.5. This low point should be relocated further to the north so that a minimum of 1 ft. of cover be provided for the culverts.



ENGINEERS

SURVEYORS



WELCH
HANSON
ASSOCIATES

A Division of
Yaggy Colby
Associates

LANDSCAPE ARCHITECTS

PLANNERS

DELAFIELD OFFICE:

355 Austin Circle

Suite 100

Delafield, WI 53018

262-646-6855

Fax 262-646-6864

ROCHESTER OFFICE:

507-288-6464

MPLS/ST PAUL OFFICE:

651-681-9040

MASON CITY OFFICE:

641-424-6344

Equal Opportunity Employer

yaggy.com

158-0-031

8.

Ms. Christine Lemley
Project No. 13052.041
March 31, 2003
Page 2

This driveway must also be hard surfaced with asphalt since it will be carrying overflow from the kettle during large storm events. It is my recommendation that the developer be responsible for the installation of this driveway since its grade is crucial to maintaining the overflow elevation of the kettle. It should be noted that the developer should also be responsible for any repairs that may be necessary to the driveway following the home construction process. A note on the Final Plat is needed to alert the homeowners that no filling or resurfacing can be made to this driveway without Town approval.

- 6) A north arrow should be added to the plan sheet.
- 7) It should be noted that the developer is proposing that each individual lot owner supply the Town with a grading plan to conform with this Master Grading Plan. A note should be added to the Final Plat to let alert all buyers to this requirement.
- 8) Based on the proposed building pad grades of 885.0 and the soil borings, there may be difficulties with basements below the groundwater table. A note should also be added to the Final Plat alerting future homeowner of this situation.

If you have any questions or comments, please feel free to contact me.

Sincerely,



Mark Mickelson

MM/de/k

cc: Mr. Jeffrey Herrmann, Town Planner
Mr. Joe St. Thomas, Town Chairman
Mr. Jerry Erdmann, Frontier Development
Mr. Rob Davy, Lake Country Engineering

158-0-031

9.

EXHIBIT "B"

Waukesha COUNTY

DEPARTMENT OF
PARKS AND LAND USE

April 14, 2003

Rob Davy, PE
Lake Country Engineering
W384 N7401 Cottonwood Court
Oconomowoc, Wisconsin 53066

Re: Preliminary Review, Stormwater Management and Erosion Control permit application
Bayview Conservancy subdivision, Section 24, Town of Oconomowoc

Dear Mr. Davy,

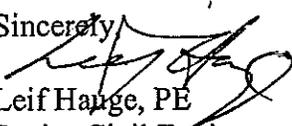
We have completed a preliminary review of the plans for the above-referenced project. The following is a brief list of issues that should be addressed in future submittals:

1. We feel that the 100-year high water level (881.79) should be used to define a stormwater management easement on the lots.
2. The plans appear to show grading of the septic area on Lot 4 and a septic area on Lot 5 that is below the 100-year high water level.

Prior to permit issuance a refundable \$2,500.00 cash financial guarantee will be required. Conditions of refund will include completion of a satisfactory final inspection, complete revegetation of the site, construction certification by an engineer, and recording of drainage easements.

Please proceed with comprehensive submittals at your convenience. If you have any questions or comments, please contact me at (262) 896-8304.

Sincerely,


Leif Hauge, PE
Senior Civil Engineer
Land Resources Division

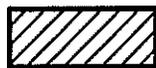
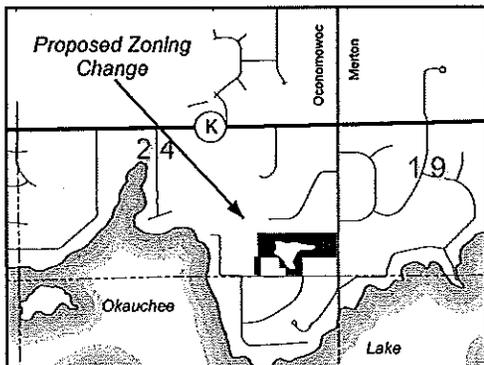
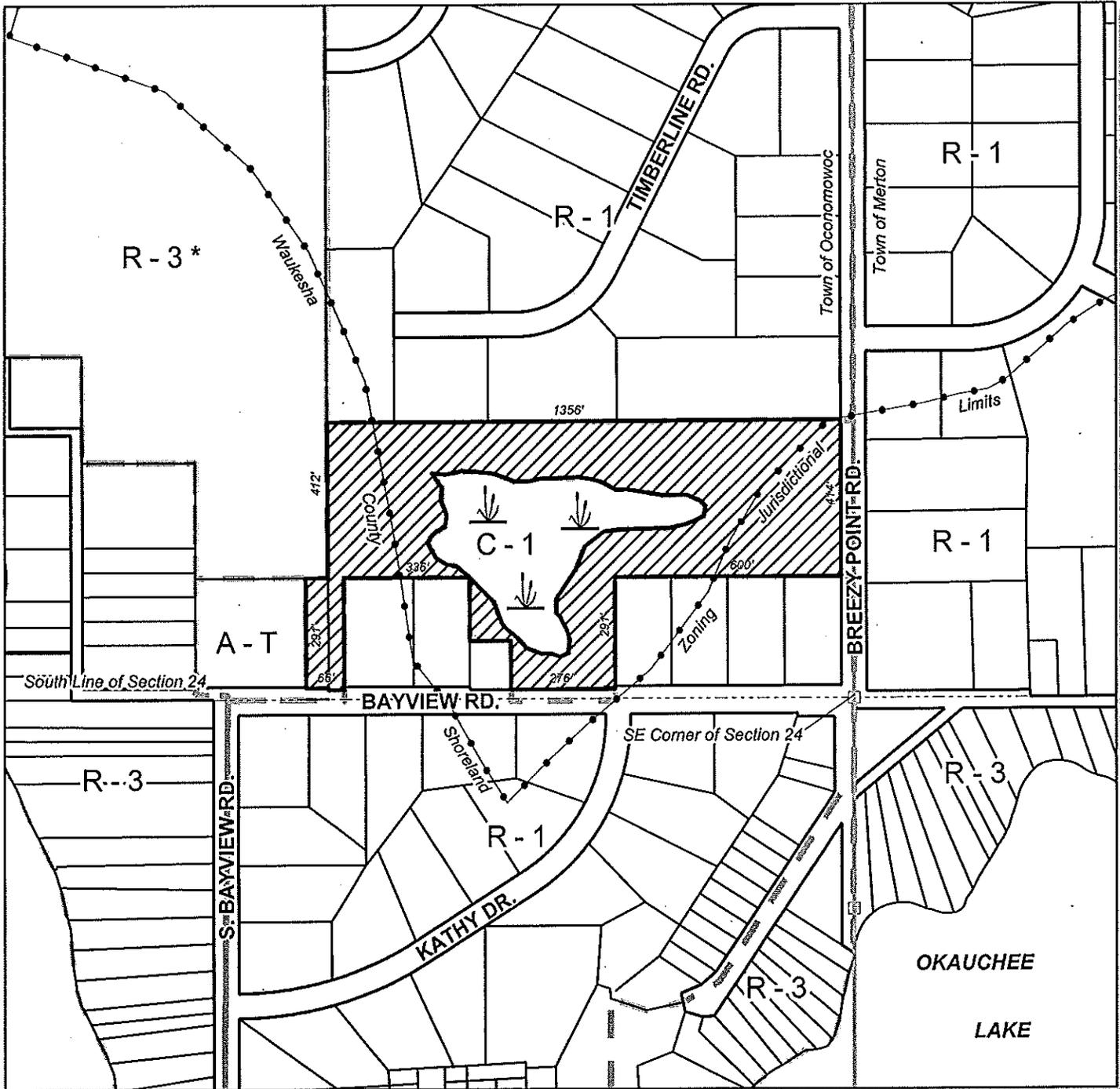
cc: Jerry Erdmann - Developer
Brian Depies - Waukesha County Planning
Christine Lemley - Town Clerk, Oconomowoc
Jeff Herrmann - Planner, Town of Oconomowoc
Steve Hoelz - Waukesha County Environmental Health

Land Resources
1320 Pewaukee Road • Room 260
Waukesha, Wisconsin 53188-3868
Phone: (262) 896-8300 Non-Metro: 1-800-567-2366 • Fax: (262) 896-8298

158-0-031

ZONING MAP AMENDMENT

PART OF THE SOUTHEAST QUARTER OF SECTION 24
TOWN OF OCONOMOWOC



CONDITIONAL ZONING CHANGE FROM A-5 MINI-FARM DISTRICT TO R-1 RESIDENTIAL DISTRICT

FILE.....SCZ-1469

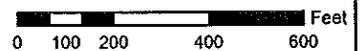
DATE.....6-05-03

AREA OF CHANGE.....12.1 ACRES

TAX KEY NUMBER.....OCOT 0528.974.006



1 inch equals 400 feet



Prepared by the Waukesha County Department of Parks and Land Use

158-0-031

WAUKESHA COUNTY BOARD OF SUPERVISORS

EO 158-32

V

DATE-07/22/03

(ORD) NUMBER-1580031

- 1 K. HERRO.....NAY
- 3 D. STAMSTA.....NAY
- 5 J. MARCHESE.....AYE
- 7 J. JESKEWITZ.....AYE
- 9 P. HAUKOHL.....NAY
- 11 K. HARENDA.....NAY
- 13 J. MORRIS.....AYE
- 15 D. SWAN.....AYE
- 17 J. BEHREND.....NAY
- 19 W. MITCHELL.....AYE
- 21 W. KOLB.....AYE
- 23 P. PRONOLD.....NAY
- 25 K. CUMMINGS.....NAY
- 27 D. PAULSON.....NAY
- 29 M. THOMAS.....AYE
- 31 V. STROUD.....AYE
- 33 D. PAVELKO.....AYE
- 35 C. SEITZ.....AYE

- 2 R. THELEN.....NAY
- 4 H. CARLSON.....NAY
- 6 D. BROESCH.....AYE
- 8 J. DWYER.....AYE
- 10 S. WOLFF.....NAY
- 12 J. GRIFFIN.....AYE
- 14 J. LA PORTE.....AYE
- 16 R. MANKE.....NAY
- 18 B. MORRIS.....AYE
- 20 M. KIPP.....AYE
- 22 G. BRUCE.....AYE
- 24 A. SILVA.....NAY
- 26 S. KLEIN.....NAY
- 28 P. JASKE.....NAY
- 30 K. NILSON.....NAY
- 32 P. GUNDRUM.....AYE
- 34 R. SINGERT.....AYE

TOTAL AYES-19

TOTAL NAYS-16

CARRIED X

DEFEATED _____

UNANIMOUS _____

TOTAL VOTES-35